



Commission on Peace Officer Standards and Training

1601 Alhambra Blvd
Sacramento, CA 95816-7083
www.post.ca.gov

Date: July 28, 2011

Bulletin: No. 2011-16

Subject: **Notice of Proposed Regulatory Action – Basic Course Waiver Process Commission Procedure D-11**

At the June 2011 meeting, the Commission approved proposed amendments to the Basic Course Waiver Process and Application Form, incorporated by reference into POST Regulations 1008 and Commission Procedure D-11.

The proposed changes include:

- Making updates to the Basic Course Waiver Process and application form as part of an ongoing review

The attached notice describes the proposed changes and includes an invitation for written input on this proposal, the deadline for written comments, and information about requesting a public hearing. The following related information is available on the POST website at <http://www.post.ca.gov/regulatory-actions.aspx>:

- POST Bulletin and Notice of Proposed Regulatory Action
- Text of Proposed Regulatory Action
- Initial Statement of Reasons

Please direct inquiries about this proposed regulatory action to Kim Mogan, Associate Government Program Analyst, Commission on POST, 1601 Alhambra Boulevard, Sacramento, CA 95816-7083, by email at Kim.Mogan@post.ca.gov, by telephone at (916) 227-4254, or by FAX at (916) 227-6932.

PAUL A. CAPPITELLI
Executive Director

Attachment: Notice of Proposed Changes

NOTICE OF PROPOSED REGULATORY ACTION

Amend and Update the Basic Course Waiver Process

Commission Procedure D-11

Notice is hereby given that the Commission on Peace Officer Standards and Training (POST) proposes to amend regulations in Chapter 2 of Title 11 of the California Code of Regulations as described below in the Informative Digest. A public hearing is not scheduled. Pursuant to Government Code §11346.8, any interested person, or his/her duly authorized representative, may request a public hearing. POST must receive the written request no later than 15 days prior to the close of the public comment period.

Public Comments Due by October 3, 2011, at 5:00 PM

Notice is also given that any interested person, or authorized representative, may submit written comments relevant to the proposed regulatory action by fax at (916) 227-6932 or by letter to the:

Commission on POST
1601 Alhambra Boulevard
Sacramento, CA 95816-7083

Following the close of the public comment period, the Commission may adopt the proposal substantially as described below or may modify the original proposal with sufficiently related changes. With the exception of technical or grammatical changes, the full text of a modified proposal will be available for 15 days prior to its adoption from the person designated in this notice as the contact person. The Commission will also mail the full text to persons who submit written comments related to the proposal or who have requested notification of any changes.

Authority and Reference

This proposal is made pursuant to the authority vested by Penal Code §13503 – POST powers and §13506 – POST authority to adopt regulations. This proposal is intended to interpret, implement, and make specific Penal Code §13503 (e) – POST authority to develop and implement programs to increase the effectiveness of law enforcement, including programs involving training and education courses.

Informative Digest/Policy Statement Overview

At its June 23, 2011 meeting, the Commission approved proposed amendments to the Basic Course Waiver Application, POST form 2-267 (04/2011). The proposed changes included:

- Update Basic Course Waiver Process and application.

Penal Code § 13511 requires that POST adopt regulations providing for alternative means for satisfying the training required by Section 832.3. The revision would require that Basic Course Waiver (BCW) applicants who have a three year or longer break in service to complete the Requalification Course to satisfy the Basic Course Waiver Examination (BCWE). This would remove the testing option for these applicants and require them to meet the same requalification standard as California trained officers. The proposed revision also clarifies the re-examination procedure. Additionally, the wording of the Privacy Act Language on the BCW application form would be updated and a new field for email and cell phone information would be added. The proposed effective date is January 1, 2012.

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Local Mandate

This proposal does not impose a mandate on local agencies or school districts.

Fiscal Impact Estimates

This proposal does not impose costs on any local agency or school district for which reimbursement would be required pursuant to Part 7 (commencing with §17500) of the Government Code, Division 4. This proposal does not impose other nondiscretionary cost or savings on local agencies. This proposal does not result in any cost or savings in federal funding to the state.

Costs or Savings to State Agencies

POST anticipates no additional costs or savings to state agencies.

Business Impact/Small Businesses

The Commission has made an initial determination that this regulatory proposal would have no significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states. The proposal does not affect small businesses, as defined by Government Code §11342.610, because the Commission sets selection and training standards for law enforcement and does not have an impact on California businesses, including small businesses.

Assessment Regarding Effect on Jobs/Businesses

The Commission has determined that this regulatory proposal will not have any impact on the creation or elimination of jobs and will not result in the creation of new businesses, the elimination of existing businesses, or the expansion of businesses in the State of California.

Cost Impact on Representative Private Persons or Businesses

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs

None

Alternatives

The Commission must determine that no reasonable alternative considered by the agency, or otherwise identified and brought to the agency's attention, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective as, and less burdensome to, affected private persons than the proposed action.

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Contact Person

Please direct inquires or written comments about the proposed regulatory action to the following:

Kim Mogan
Commission on POST
1601 Alhambra Boulevard
Sacramento, CA 95816-7083
(916) 227-4254 or Kim.Mogan@post.ca.gov
FAX (916) 227-6932

or

Patti Kaida
Commission on POST
1601 Alhambra Boulevard
Sacramento, CA 95816-7083
(916) 227-4847 or Patti.Kaida@post.ca.gov
FAX (916) 227-5271

Text of Proposal

Individuals may request copies of the exact language of the proposed regulations and of the initial statement of reasons, and the information the proposal is based upon, from the Commission on POST at: 1601 Alhambra Boulevard, Sacramento, CA 95816. These documents are also located on the POST website at: <http://www.post.ca.gov/regulatory-actions.aspx>.

Availability and Location of the Rulemaking File and the Final Statement of Reasons

The rulemaking file contains all information upon which POST is basing this proposal and is available for public inspection by contacting the person named above.

To request a copy of the Final Statement of Reasons once it has been prepared, submit a written request to the contact person named above.